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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of

Policies and Rules Pertaining
to the Regulation of Cellular
Carriers

RM No. 8179

COMMENTS OF THE
CELLULAR TELECOMMUNICATIONS INDUSTRY ASSOCIATION

The Cellular Telecommunications Industry Association ("CTIA")
submits these comments in the above-captioned proceeding in support

specifically states, however, that the rule changes adopted in that proceeding would not apply to "cellular carriers, which have been found dominant."⁴

CTIA submits that if the Commission finds cellular carriers to be nondominant for the purposes of this proceeding, then cellular carriers should be allowed to avail themselves of all streamlined tariff filing requirements adopted in the new rulemaking proceeding, CC Docket No. 93-36, including any changes that provide relief to nondominant carriers that were not specifically requested in the CTIA Petition. Assuming that cellular carriers are designated nondominant, there is no logical reason why the simplified tariff filing procedures adopted in CC Docket No. 93-36 should not apply to cellular carriers given their extremely limited role in interstate communications.⁵ Indeed, the majority of cellular carriers engaging in interstate services do so through the resale of other carriers' interexchange services. Such services,

⁴ Id. at n.12. For purposes of clarification, there has never been any "finding," as such, that cellular carriers are dominant. Rather, the Commission has never had

which have already been classified as nondominant,⁶ would clearly be subject to any streamlined procedures adopted in CC Docket No. 93-36.

The second development is the Commission's grant of CTIA's request for an interim waiver of the tariff filing procedures for cellular carriers.⁷ Several findings in the Waiver Order support the positions set forth in CTIA's Petition, including:

- The Commission acknowledged that the cellular industry's dominant status "is obscured by the absence of any direct examination of the competitiveness of cellular services in the interstate communications market."⁸ This statement confirms that there has been no "finding" that cellular carriers are dominant.

- The Commission correctly observed that a rule requiring cellular carriers to submit cost support materials "might provide competitors with access to information that is competitively sensitive."⁹ Such a requirement would be particularly harmful for the cellular industry given its competitive structure.

⁶ See Policies and Rules Concerning Rates for Competitive Common Carrier Services and Facilities Authorizations Therefor, CC Docket No. 79-252, Fourth Report and Order, 95 FCC 2d 554, 582 n.92 (1983).

⁷ See Cellular Telecommunications Industry Association Petition for a Waiver of Part 61 of the Commission's Rules, Order, DA 93-196 (released Feb. 19, 1993) ("Waiver Order").

⁸ Id. at ¶ 5. The Commission also notes that cellular's status as dominant is not based on "any market analysis." Id.

⁹ Waiver Order at ¶ 6.

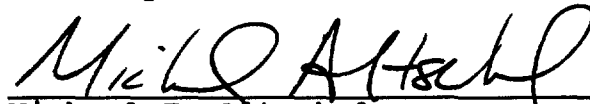
• The Commission also concluded "that the administrative burdens that would be imposed on the cellular industry in forcing its members to comply with technical form and content rules is substantial when measured against the minimum need to enforce technical compliance with tariffing requirements."¹⁰


The cellular industry's record of explosive growth and investment, nationwide expansion of coverage, declining prices, and rapid introduction of new technologies during the period when cellular carriers were not required to submit tariffs demonstrates that the public interest has been well-served. This experience clearly supports the determination in the Waiver Order that there is a minimal need for cellular tariff requirements.

For the reasons set forth above, CTIA respectfully requests that the relief requested in its Petition be granted.

Respectfully submitted,

Cellular Telecommunications
Industry Association


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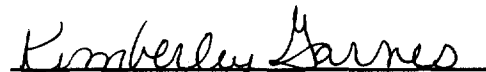
Dated: March 19, 1993

CERTIFICATE OF SERVICE

I, Kimberley Garnes, hereby certify that on this 19th day of March, 1993, copies of the foregoing "Comments of the Cellular Telecommunications Industry Association" were served by hand-delivery upon the following parties:

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